IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 18092 of 2005(D)

AGAINST THE ORDER IN EP 94/2004 IN
OS.88/2000 of SUB COURT, TIRUR

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PETITIONER:

T.K.ALIKUTTY, S/O.MOHAMMED HAJI,
AGED 43 YEARS, TONIKADAVATH HOUSE, ATHAVANAD P.O.
THIRUNAVAYA VIA, MALAPPURAM DISTRICT.

BY ADV. SRI.MATHEW SUNNY

RESPONDENTS:

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1. THE CATHOLIC SYRIAN BANK LTD., REP.
BY ITS BRANCH MANAGER, TIRUR, MALAPPURAM DISTRICT.

2. K.MOHAMMED MOIDEEN, AGE NOT KNOWN,
S/O.ABOOBACKER, KUNDIL HOUSE, PUNNATHALA VIA,
VALANCHERRY, MALAPPURAM DIST. PRESENT ADDRESS
P.B.NO./29578, MIDDLE EAST HETAL TRADING CO.LTD./,
DUBAI, U.A.E.

3. P.T.SHABEER, S/O.KUNIDRAIRDRU VYDIER,
PERINGOTTU THODIYIL, IRUMBILIYAM P.O.
VIA.VALANCHERRY, MALAPPURAM DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM) (FOR R1)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 18092 OF 2005

Dated this the 3rd day of August , 2007

JUDGMENT

This writ petition is remaining defective since respondents 2 and 3 are not served with notice. According to me the issue involved can be decided even in their absence. Sri.R.Bindu Sasthamangalam, the learned counsel for the first respondent Bank submits that the first respondent has been properly advised regarding the jurisdictional aspects of the matter. No representation for the petitioner. The writ petition will stand dismissed but only for default.

PIUS C. KURIAKOSE,

JUDGE.

dpk